

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10	SIXTO SALCIDO,	)	No. C 04-4232 MMC (PR)
11	Plaintiff,	)	<b>ORDER DENYING PLAINTIFF'S</b>
12	v.	)	<b>MOTION FOR RECONSIDERATION</b>
13	DAVID ZAREK, M.D.; CHARLES	)	<b>(Docket No. 58)</b>
14	DUDLEY LEE, M.D.; ROBERT	)	
15	BOWMAN, M.D.; G. LAUBER,	)	
16	Defendants.	)	

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17 Plaintiff, a California prisoner proceeding pro se, filed the above-titled civil rights  
18 complaint pursuant to 42 U.S.C. § 1983. Thereafter, the Court granted defendants' motions  
19 for summary judgment, and denied plaintiff's cross-motion for summary judgment. Plaintiff  
20 has filed a motion for reconsideration of the judgment entered against him.

21 Rule 60(b) of the Federal Rules of Civil Procedure provides for reconsideration where  
22 one or more of the following is shown: (1) mistake, inadvertence, surprise or excusable  
23 neglect; (2) newly discovered evidence which by due diligence could not have been  
24 discovered before the court's decision; (3) fraud by the adverse party; (4) voiding of the  
25 judgment; (5) satisfaction of the judgment; (6) any other reason justifying relief. Fed. R. Civ.  
26 P. 60(b); School Dist. 1J v. ACandS Inc., 5 F.3d 1255, 1263 (9th Cir.1993). Subparagraph  
27 (6) requires a showing that the grounds justifying relief are extraordinary; mere  
28 dissatisfaction with the court's order or belief that the court is wrong in its decision are not

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1 adequate grounds for relief. See Twentieth Century - Fox Film Corp. v. Dunnahoo, 637 F.2d  
2 1338, 1341 (9th Cir. 1981).

3 Plaintiff does not indicate the provision of Rule 60(b) under which reconsideration is  
4 warranted. Plaintiff alleges no new evidence that could not have been discovered with due  
5 diligence, no mistake, inadvertence, surprise or excusable neglect, no fraud by the adverse  
6 party, and no voiding of the judgment. Plaintiff does not provide any other reason justifying  
7 relief. Rather, plaintiff simply challenges the analysis of the Court in its ruling on the  
8 summary judgment motions, and reiterates arguments he made previously in connection  
9 therewith. Motions for reconsideration are not a substitute for appeal or a means of  
10 attacking some perceived error of the court. Id. Moreover, for the reasons explained in the  
11 order, none of plaintiff's arguments creates a genuine issue of material fact that defendants  
12 were deliberately indifferent to his serious medical needs.

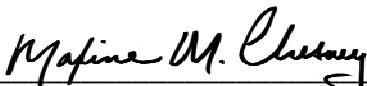
13 Plaintiff also seeks permission to file an amended complaint alleging a cause of action  
14 for negligence. This Court lacks jurisdiction over any such state law claim, and, as explained  
15 in the Court's prior order, medical malpractice or negligence will not suffice for purposes of  
16 demonstrating an Eighth Amendment violation.

17 Accordingly, plaintiff's motion for reconsideration is hereby DENIED.

18 This order terminates Docket No. 58.

19 IT IS SO ORDERED.

20 DATED: April 3, 2006

  
21 MAXINE M. CHESNEY  
22 United States District Judge

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